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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, FEBRUARY 25, 2002

APPLICATION OF

WINSTAR OF VIRGINIA, LLC

CASE NO. PUC020010

For certificates of public convenience  
and necessity to provide local exchange  
and interexchange telecommunications  
services and for interim operating authority

ORDER FOR NOTICE AND COMMENT AND GRANT  
OF INTERIM OPERATING AUTHORITY

On January 29, 2002, Winstar of Virginia, LLC ("Winstar" or "Applicant"), filed an application for certificates of public convenience and necessity ("certificates") with the State Corporation Commission ("Commission") to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia. The Applicant also requested authority to price its interexchange telecommunications services on a competitive basis pursuant to § 56-481.1 of the Code of Virginia and interim operating authority to continue to provide service to the current customers of Winstar Wireless of Virginia, LLC.<sup>1</sup>

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<sup>1</sup> By Commission Order dated June 3, 1999, in Case No. PUC990013, Winstar Wireless of Virginia, LLC, was granted Certificate No. T-374a to provide local exchange telecommunications services and Certificate No. TT-32B to provide interexchange telecommunications services throughout the Commonwealth of Virginia. On January 29, 2002, Winstar Wireless of Virginia, LLC, and Winstar filed a joint application for transfer of the core domestic telecommunications assets to Winstar (Case No. PUA020030). Since the proposed transfer would not transfer Certificate Nos. T-374a and TT-32B from

NOW UPON CONSIDERATION of the application, the Commission is of the opinion and finds that Winstar's application should be docketed; that Winstar should be granted interim operating authority; that the Applicant should give notice to the public of its application; that interested parties should have an opportunity to comment and request a hearing on Winstar's application; and that the Commission Staff should conduct an investigation into the reasonableness of the application and present its findings in a Staff Report.

Accordingly, IT IS ORDERED THAT:

(1) This case is docketed and assigned Case No. PUC020010.

(2) Winstar of Virginia, LLC, is hereby granted interim operating authority to operate and provide local exchange and interexchange telecommunications services to existing customers of Winstar Wireless of Virginia, LLC, under the tariffs of Winstar Wireless of Virginia, pending the issuance of further Commission orders.

(3) On or before March 29, 2002, the Applicant shall complete publication of the following notice to be published on one (1) occasion as classified advertising in newspapers having general circulation throughout the Applicant's proposed service territory:

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Winstar Wireless of Virginia, LLC, to Winstar, Winstar has filed this application.

NOTICE TO THE PUBLIC OF AN APPLICATION BY  
WINSTAR OF VIRGINIA, LLC, FOR CERTIFICATES  
OF PUBLIC CONVENIENCE AND NECESSITY TO  
PROVIDE LOCAL EXCHANGE AND INTEREXCHANGE  
TELECOMMUNICATIONS SERVICES THROUGHOUT THE  
COMMONWEALTH OF VIRGINIA AND FOR INTERIM  
OPERATING AUTHORITY  
CASE NO. PUC020010

On January 29, 2002, Winstar of Virginia, LLC ("Winstar" or "Applicant"), filed an application with the State Corporation Commission ("Commission") for certificates of public convenience and necessity ("certificates") to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia. In its application, the Applicant also requested authority to price its interexchange telecommunications services on a competitive basis pursuant to § 56-481.1 of the Code of Virginia and interim operating authority to operate under the tariffs of Winstar Wireless of Virginia, LLC.

On January 29, 2002, Winstar Wireless of Virginia, LLC ("Winstar Wireless"), and Winstar filed a joint application to transfer assets to Winstar. If approved, that application would not transfer Winstar Wireless' Certificate No. T-374a to provide local exchange telecommunications services or Certificate No. TT-32B to provide interexchange telecommunications services to Winstar. Accordingly, Winstar has filed an application with the Commission for certificates to provide local exchange and interexchange telecommunications services.

Copies of the application are available for public inspection between the hours of 8:15 a.m. and 5:00 p.m., Monday through Friday, in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia, or can be ordered from Winstar's counsel, Jean L. Kiddoo, Esquire, Swidler Berlin Shereff Friedman, LLP, 3000 K Street, N.W., Suite 300, Washington, D.C. 20007-5116.

Any person desiring to comment on Winstar's application for certificates to provide local exchange and interexchange telecommunications services may do so by directing such comments in writing on or before April 12, 2002, to the Clerk of the Commission at the address set out below.

Any person may request a hearing on Winstar's application by filing an original and fifteen (15) copies of its request for hearing on or before April 12, 2002, with the Clerk of the Commission at the address set out below. Requests for hearing must state with specificity why a hearing should be conducted.

All written communications to the Commission concerning Winstar's application should be directed to Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, and must refer to Case No. PUC020010.

WINSTAR OF VIRGINIA, LLC

(4) On or before March 29, 2002, Applicant shall provide a copy of the notice contained in ordering paragraph three (3) to each local exchange telephone carrier certificated in Virginia and each interexchange carrier certificated in Virginia by personal delivery or first-class mail, postage prepaid, to the customary place of business. Lists of all current local exchange and interexchange carriers in Virginia are attached to this Order as Appendices A and B, respectively.

(5) Any person desiring to comment in writing on Winstar's application for a certificate to provide local exchange and interexchange telecommunications services may do so by directing

such comments on or before April 12, 2002, to the Clerk of the Commission at the address set forth below. Comments must refer to Case No. PUC020010.

(6) On or before April 12, 2002, any person wishing to request a hearing on Winstar's application for certificates to provide local exchange and interexchange telecommunications services shall file an original and fifteen (15) copies of its request for hearing in writing with Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Written requests for hearing shall refer to Case No. PUC020010 and shall state the following: (i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in the matter. Copies shall also be served on the Applicant.

(7) On or before April 22, 2002, the Applicant shall file with the Commission proof of notice and proof of service as ordered herein.

(8) The Commission Staff shall analyze the reasonableness of Winstar's application and present its findings in a Staff Report to be filed on or before April 30, 2002.

(9) On or before May 7, 2002, the Applicant shall file with the Clerk of the Commission an original and fifteen (15)

copies of any response to the Staff Report or parties' objections and requests for hearing. A copy of the response shall be delivered to Staff and the other parties by overnight delivery.

(10) The Applicant shall respond to written interrogatories or data requests within seven (7) days after the receipt of the same. Parties shall provide to the Applicant, other additional parties, and Staff any workpapers or documents used in preparation of their requests for hearing, promptly upon request. Except as so modified, discovery shall be in accordance with Part IV of the Rules.

(11) This matter is continued generally.